

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 955-9600

ORIGINAL

FACSIMILE

(202) 955-9792

www.kelleydrye.com

DIRECT LINE: (202) 887-1234

EMAIL: jkashatus@kelleydrye.com

NEW YORK, NY
TYSONS CORNER, VA

CHICAGO, IL
STAMFORD, CT
PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES
BANGKOK, THAILAND
JAKARTA, INDONESIA
MUMBAI, INDIA
TOKYO, JAPAN

DOCKET FILE COPY ORIGINAL

October 8, 2004

RECEIVED

OCT - 8 2004

ELECTRONIC FILING

Federal Communications Commission
Office of Secretary

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: *Unbundled Access to Network Elements*, WC Docket No. 04-313; *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338
Access to Confidential Materials – Supplemental Request

Dear Ms. Dortch:

Pursuant to the Protective Order adopted in the above-referenced proceedings,¹ PACE Coalition, Broadview Networks, Inc., Talk America, Inc., and Grande Communications (“PACE *et al.*”) hereby submit the attached copies of the Acknowledgements of Confidentiality (Appendix B to the Protective Order) signed by the following (the “Signatory”):

- Erin W. Emmott, Associate, Kelley Drye & Warren LLP.

PACE *et al.* seeks access to confidential versions of documents filed in the above-referenced proceedings by the New Jersey Division of the Ratepayer Advocate (“Ratepayer Advocate”). The Signatory falls within the “Permissible Disclosure” categories described in paragraph 5 of the Protective Order.

As stated in the attached certificate of service, counsel for each party has been served, via First Class Mail and Facsimile, with a copy of this letter and the executed Acknowledgement of Confidentiality.

¹ *Unbundled Access to Network Elements*, Protective Order, 19 FCC Rcd 16292 at Appendix A (2004) (“Protective Order”).

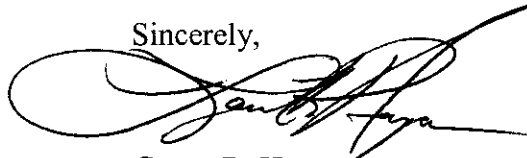
No. of Copies rec'd 014
List ABCDE

KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary
October 8, 2004
Page Two

Due to the brief interval between the filing of comments and reply comments in this proceeding, *PACE et al.* requests that this letter toll the three business day waiting period established in paragraph 8 of the Protective Order so that the Signatory can have immediate access to the confidential material, if any, filed by the Ratepayer Advocate. Any delay in the ability to review such confidential material would prejudice *PACE et al.*'s ability to file timely reply comments.

In accordance with the Commission's rules, this letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,

Garret R. Hargrave

Attachments – Acknowledgements of Confidentiality

cc: Attached Service List

APPENDIX B

Acknowledgment of Confidentiality

CC Docket No. 01-338 & WC Docket No. 04-313

I hereby acknowledge that I have received and read a copy of the Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.


Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 5 of the foregoing Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Protective Order.

I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of In-House Counsel in paragraph 2 of the Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Confidential Documents and Confidential Information are used only as provided in the Protective Order; and (2) Stamped Confidential Documents are not duplicated except as specifically permitted by the terms of paragraph 10 of the Protective Order. I certify that I have verified that there are in place procedures, at my firm or office, to prevent unauthorized disclosure of Stamped Confidential Documents or Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Washington, D.C. this 8 day of October, '04.



Erin W. Emmott
Associate
Kelley Drye & Warren LLP
1200 19th Street, N.W., Suite 500
Washington, D.C. 20036

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 8th day of October, 2004, I caused to be served a true and correct copy of the foregoing letter and Acknowledgements of Confidentiality by First Class Mail and Facsimile* and Electronic Mail** to the following:

FCC

Russell Hanser **
Wireline Competition Bureau
Federal Communications Commission
Washington, D.C. 20554

Jeremy Miller **
Assistant Division Chief
Competition Policy Division
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Gary Remondino **
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Janice Myles **
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RATEPAYER ADVOCATE

Seema M. Singh, Esq.*
Christopher J. White, Esq.*
State of New Jersey
Division of the Ratepayer Advocate
31 Clinton Street, 11th Floor
P.O. Box 46005
Newark, NJ 07101



Garret B. Hargrave